

**MADISON COUNTY PLANNING BOARD  
MEETING MINUTES  
OCTOBER 29, 2007**

BOARD MEMBERS PRESENT: Lane Adamson, Pat Bradley, Dorothy Davis, Kathy Looney, John Lounsbury, Don Loyd, Dave Maddison, Eileen Pearce, Laurie Schmidt and Ann Schwend.

BOARD MEMBERS ABSENT: Ed Ruppel.

STAFF MEMBERS PRESENT: Charity Fechter, Marilee Foreman Tucker, Anne Cossitt (contract planner).

OTHERS PRESENT: Trent Gardner, Jim Barr Coleman, Casey Koone, Kevin Germain, Ron Slade, Scott Bechtle, Karen Brown, David A. Wing, Jerry R. Wing, Stephen Nelson, Ed Totten, Linda Page, Dave German, Mark Petroni, Jan Murphy, Jenny Mulvey, David Albert, Anne Weise, Justin Lower, Linda Lower, Wayne Lower, Andy Suenram, William Thompson, Tom Olenicki, Bert Lower, Jennifer Owens, David Odt, Lu Anne Odt, and Jim Hart, Madison County Commissioner (attended only the wind generation presentation).

MOTION: To accept the minutes of the September 24, 2007 meeting as written. Moved by: John Lounsbury, seconded by: Kathy Looney. All voted aye.

President's Comments: Welcome to Charity Fechter, Planning Director.

Public Comment: Kevin Germain, Moonlight Basin Ranch, informed the board that there were new submittals for the Overall Development Plan as the previous binder had some errors in it. He pointed out the new binders for each Planning Board member to take home.

Ben Ellis, Sagebrush Energy, Wind Generation Presentation  
(County Commissioner in Teton County, Wyoming and past Planning Board Member in Teton County)

Some points covered by Ben Ellis' presentation:

- In some states there are Federal and State incentives for development of wind energy. Montana does not have incentives.
- Other renewable energy sources are not as mature in technology as wind.
- Electricity is sold through a wholesale market.
- The challenges to wind energy production are: wind strength, environmental hazards, access to transmission lines, community support and ancillary services support. These all create up-front costs for the developer.
- Wind and hydro energy can go together, but will not work in the Norris/Beartrap Canyon scenario.
- Items that must be addressed by the wind energy developer: measuring, mapping and analyzing the wind resource, environmental studies, power sales agreement and transmission access, permitting the project ( by local government) and engineering and construction.
- Madison County is the only Montana county to have an ordinance having to do with permitting of towers.
- Environmental studies must be performed by the wind developer: wildlife, avian and bat, aesthetic and visual impacts, noise impacts and cultural resources.
- The construction process takes about six months.
- Utilities are buried underground to power transmission.
- 49% of energy in Montana comes from coal and 46% from water.
- Texas is the leader in wind energy generation.
- Ellis estimates that it will be 15 years before site storage of wind energy in Montana is available.
- There are major barriers to moving power from Montana to major markets.

PUBLIC HEARING AND REVIEW OF LOWER FAMILY RANCH MAJOR SUBDIVISION, MCALLISTER  
(AURORA RANCH, INC., DEVELOPER)

Contract Planner Anne Cossitt, of Cossitt Consulting, opened by showing the plat of the proposed subdivision and explaining the configuration. She gave a short review of the subdivision application and review process for the public. She further explained the following points: power and phone will be installed underground along the road; wetland disturbance will be mitigated by installing ponds; there will be individual wells and septic. She outlined design constraints involved in this subdivision as being terrain steepness and retention of wildlife habitat. She pointed out the affidavit of Bob Brannon who says that it would be better for the elk if the homes were clustered. Anne recommended an open space management plan. She also recommended that the covenants state “no further subdivision” and that the covenants be considered “plat approval covenants”. She pointed out that the land in question currently has 11 existing tracts and landowners could avoid subdivision review if they chose to do so.

Ron Slade of Bechtle-Slade explained that the landowners had tried to sell this land to conservation easements and other entities, but with no success. They also:

- Relocated homesites to accommodate the wildlife corridor.
- Set nearly 50% of the land aside as open space.
- Proposed to use “green” building practices.
- Protected the ridgeline with most of the building sites away from ridges, except for one of the lots.
- Worked to mitigate wildlife impacts.
- Looked at every environmental aspect.
- Requested the road variance of 22’ wide so as to minimize the environmental impact.
- Are drawing up a detailed set of design guidelines.

Tom Olenecki, wildlife biologist hired by the developers spoke of the following:

- The lower portion of the land is the best wildlife habitat and that is getting a conservation easement.
- The wildlife corridor agreed upon will allow the elk to move through. What the people in Lot 8 do will make a difference for the wildlife.

#### Public Comments/Questions

- The County road is not meant to transport a lot of people.
- The road is in bad shape and not well maintained and has been saved by a lack of traffic.
- North Meadow Creek area is a unique area of small ranches.
- Seventeen wells into the aquifer could impact stock water, domestic water and aspen groves in the area.
- Concern over private spring on the Germann ranch.
- North Meadow Creek Road does not meet subdivision standards.
- There are many conservation easements in the area and this is an opportunity to conserve land.
- Wayne Lower is being encouraged to abandon this idea of subdividing.
- Washington Bar Loop Road needs to be addressed by the county. It is in need of a lot of work.
- The steepness of the terrain lends itself to a fire danger and great danger for firefighters.
- Water quality on Parker Creek would be severely impacted by this with pollutants and sediments with the building of roads and crossing streams.
- Fragmented wildlife corridor will not be effective. Clustering should be done with the houses.
- We advocate “Smart Growth”. The conservation easement area is not part of the subdivision submittal. The subdivision should be considered on its own merits, not the idea that there are already divided parcels on the land. Concerns are fire danger, access roads and response times.

#### Planning Board Comments/Questions

- The ranchers in the area have been accommodating to the wildlife and this has been good for the elk. If we chop this up, this could really impact the elk. Lot 8 is of specific concern.
- The Madison Valley Rural Fire Department does not favor any more big subdivisions in that area.
- Are you taking Bob Brannon’s recommendations re: bird feeders?

- Yes.
- Some things could be mitigated by clustering, but emergency response times are too excessive. I can't see any ways to mitigate the problems in response times and wildlife concerns.
  - County road is the biggest part of the problem. How can the Planning Board move forward without some word about mitigating problems on the county road.
  - This is not in compliance. Why didn't the fire department submit a letter re: fire response problems.
  - The fire department is thinking that there aren't enough trucks and firemen to cover this.
  - We have a planner who has recommended approval with conditions and emergency services say they can handle it, so how can we deny it?
  - The board did not have emergency services information when they toured the site.
  - We need to vote on the face of the recommendation. We shouldn't vote on the premise that there are 11-15 divided parcels at this time.

MAIN MOTION: To recommend approval with conditions. Moved by: Don Loyd, seconded by: Dave Maddison.

MOTION: To amend Condition #19 to ask the subdivider to move the homesite on Lot 8 further down the slope in consultation with FWP biologist, Bob Brannon. Moved by: Laurie Schmidt, seconded by: Pat Bradley. All voted aye.

MOTION: To amend the condition requiring Lots 14, 15 and 17 to be built closer to Parker Creek Loop. Moved by: Kathy Looney, seconded by: Laurie Schmidt. (motion withdrawn)

MOTION: To recommend including shorter driveways to the second of the Planner's "Additional recommendations" and for all three "Additional recommendations" to be conditions of approval. Moved by: Laurie Schmidt, seconded by: Dave Maddison. All voted aye.

MOTION: Prior to final plat approval the covenants will be reviewed by the county to ensure that the intent of the conditional approval is reflected in the covenants. Moved by: Dave Maddison, Seconded by: Laurie Schmidt. Nine voted aye, one nay. Motion carried.

MOTION: The covenants addressed in the previous motion shall be plat approval covenants. Moved by: Don Loyd, seconded by: Laurie Schmidt. Nine voted aye, one nay. Motion carried.

VOTE ON THE MAIN MOTION: Five voted aye, four nay. Motion carried.

ROAD VARIANCE REQUEST: The request was to allow a 22' roadway width throughout the subdivision as opposed to the required 26' foot width.

MOTION: To deny the request for a 22' road width. Moved by: Dave Maddison, seconded by: Pat Bradley. All voted aye. Variance was denied.

Conservation Easements Review:

1. Rocky Mountain Elk Foundation, Sweetwater Creek Conservation Easement, Geoduck Land & Cattle LLC, Sweetwater, Upper Ruby.
2. The Nature Conservancy, Centennial Valley, J Bar L LLC, Tract 4
3. Montana Land Reliance, Karl Ohs, Harrison
4. Montana land Reliance, Combs River Ranch, LLC, Cameron.

MOTION: To approve the four conservation easements presented. Moved by: Dave Maddison, seconded by: Pat Bradley. All voted aye.

**OLD BUSINESS**

A. Madison Growth Solutions Process

Lane Adamson reported that having discussed this with the County Commissioners, Madison Growth Solutions and the Planning Office are to come up with the wording for an ordinance that says that all new development should be 150' from all rivers on the east side of the Tobacco Root Mountains, except for the Madison River which should have all building 500' from the river. This would only pertain to rivers on the east side of the Tobacco Root Mountains and in the Madison Valley.

Kathy Looney reported that on November 7 at Growth Solutions there would be a discussion with the Trust for Public Lands to look into a study of the Madison Valley and how to get funds for conservation easement purchases.

B. Anne Cossitt thanked the board and said, "I think you are great."

**NEW BUSINESS**

A. PLANNING BOARD MEMBER REPORTS

Kathy reported that the New West Real Estate & Development Conference recently held in Missoula was very worthwhile to attend and she hopes that more planning board members and staff can attend in the future.

B. PLANNING OFFICE REPORT

Charity reported that the Bradley Creek Subdivision is coming back to the Planning Board at the November meeting requiring another public hearing.

There will be two in-person interviews for Planner II on November 9.

She also reported that the Commissioners have asked her to create verbiage for the stream set back ordinance and to work on the regulations for the affected areas of the Twin Bridges and Ennis Airports.

Adjournment was at 10:23 p.m.

The next regular meeting of the Planning Board will be November 26, 2007.

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Ann Schwend, President

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Marilee Foreman-Tucker, Secretary